



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

Eartha L. McMiller

Plaintiff,

vs.

Case No. 4:09CV00157CEJ

Metro

Defendant

**PLAINTIFF'S MOTION TO REVISIT DEFENDANTS "ORDER OF PARTIAL
DISMISSAL DATED AUGUST 21, 2009
TO DENY DEFENDANT'S DISMISSAL OF PLAINTIFF "SEXUAL HARASSMENT
AGAINST METRO"**

Come Now, Plaintiff, Eartha L. McMiller, acting pro se, respectfully request motion to the Court that my "Improper Dismissal" and "Sexual Harassment" claims against Mr. Louis Brown and Metro formerly known as Bi-State Development Agency be revisit, reopen and not be granted as the Defendant, (Bi-State Development Agency of the Missouri-Illinois Metropolitan District, d/b/a Metro has requested).

I am asking you to revisit the "Order Of Partial Dismissal". Due to the time I received this order of Partial Dismissal dated August 21, 2009, I did not fully understand the correspondence showing that all my claims would be dismissed concerning Plaintiff Eartha L. McMiller vs. Defendant Metro and Louis Brown or entitled Plaintiff Eartha L. McMiller vs. Defendant Louis Brown. I only understood from this information that my "Age Discrimination" claim would be dismissed. I accepted this decision that was made by Metro Attorney and the Courts, due to the lack of evidence which was considered, "hear say".

I would like to express my concerns that affected my understanding of the **"Order of Partial Dismissal"**. Since this ordeal, I have been depressed physically and emotionally, I have anxiety attacks, health altering issues, and now on medication. In addition to all of this, I am seeing a therapist at least twice a month or as needed, as well as a medical doctor. Finding employment has and continues to be a financial burden due to the pressure that I have endured and still enduring, and this has greatly affected my ability to function in my day to day life.

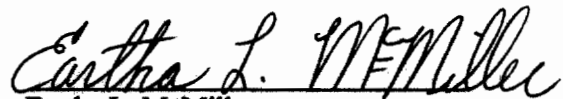
My original claims against Defendant Louis Brown/Metro were **Age Discrimination, Sexual Harassment and Improper Dismissal (Retaliation)**. It was brought to my attention on October 15, 2009, via Metro Attorney, Mr. James C. Hetlage at my Deposition Hearing that all the claims listed above had been dismissed as of August 21, 2009. My response was: "NO, I was not aware of all claims being dismissed on the **"Age Discrimination"**". Also, on November 4, 2009 at my Mediation Hearing, Mr. Hetlage again brought to my recollection this same information regarding the above claims.

On this date (November 4, 2009), Attorney, Mr. Hetlage stated that he will be filing a dismissal against my pending claim (Sexual Harassment) Plaintiff Eartha L. McMiller vs. Metro before or around December 7, 2009. Plaintiff admits that she allowed the deadline of responding back to fall through the cracks. This happen due to my lack of understanding of what I read in the document dated August 21, 2009. I did not understand that all claims were being dismissed, because not having a job, borrowing my way just to survive; has caused me to be emotionally, physically and psychologically drained and not comprehending all aspects at that time.

I am pleading and humbly petitioning the court to revisit these cases due to the lack of knowledge I was given in this situation. All the evidence, communication and information that I have provided is the truth. There is vital information to be brought out that the Defendant does not want to be

made privy that support my case. So please, revisit the claims and do not support the request that is expected to come to you showing **"Defendants Motion Of Dismissal for Plaintiff Sexual Harassment against Metro"**. In addition, please dismiss Plaintiff Eartha L. McMiller from any fees to be paid to the Court.

Respectfully submitted,



Eartha L. McMiller
12665 Shoreside Drive
Florissant, MO 63033

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was hand carried this 12th November 2009, to: Mr. James C. Hetlage, LASHLY & BAER, P.C., 714 Locust Street, St. Louis, Missouri, 63101.

Signature:  Date: 11-13-09